

# NOTICES

NEWS AND VIEWS  
SECTION B  
VOL. 23, NO. 40  
OCTOBER 4, 1984

## WRITS OF CERTIORARI

### Certiorari Granted and Under Advisement:

No. 15090 Buell ECD vs. Schell 9/15/83  
No. 15108 Salcido vs. Transamerica 9/23/83  
No. 15135 Arenivas vs. Continental Oil 9/29/83  
No. 15180 Baca vs. Smith 11/9/83  
No. 15234 Salazar vs. City Santa Fe 12/21/83  
No. 15324 Susanne M. Schear vs. Bd County  
Comm 2/23/84  
No. 15300 Bank of NM vs. Sholer 3/7/84  
No. 15354 State vs. Contempts Wisniewski 3/28/84  
No. 15382 City of Las Cruces vs. Garcia 4/11/84  
No. 15384 Mackey vs. Burke 4/25/84  
No. 15426 Kaiser Steel vs. Segura 5/31/84  
No. 15444 Jennings & Morris vs. State 6/6/84  
No. 15454 Stevens vs. Howie 6/6/84  
No. 15457 Otero vs. Zouhar 6/6/84  
No. 15464 Vigil vs. Arguello 6/20/84  
No. 15495 Western Flying vs. Brooks 7/19/84  
No. 15498 Naimi vs. Bd Regents Eastern NM Univ  
7/18/84

No. 15507 Duke City vs. NM EIB 7/18/84  
No. 15519 Jones vs. Montgomery Ward 7/19/84  
No. 15521 State vs. Billy Edwards 8/2/84  
No. 15532 Gonzales vs. Sansoy 8/2/84  
No. 15545 Barbara Kathrein vs. Parkview  
Meadows 8/7/84  
No. 15547 Corral vs. Marrs 8/7/84  
No. 15548 State vs. John Clarence Miracle 8/7/84  
No. 15559 Thornfield vs. 1st State Bank 8/28/84  
No. 15579 City Carlsbad vs. Allsup 8/28/84  
No. 15583 Rehoboth Christian Hospital vs.  
Reynolds 8/28/84  
No. 15596 Bd Education vs. Quintana 9/18/84  
No. 15597 State vs. Gracie Leal 9/18/84  
No. 15604 Roberts vs. Salas 9/19/84

### Writs of Certiorari Quashed:

No. 15215 Duran vs. General Motors 9/5/84  
No. 15412 Four Seasons vs. Pittard 9/5/84

## IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

The following persons did, on August 15, 1984,  
voluntarily withdraw from membership in the State

Bar of New Mexico, and their names shall be stricken  
from the Roll of Attorneys:

Thomas J. McMahon  
Jeffery E. Levin

## BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF THE STATE OF NEW MEXICO

In the Matter of  
RONALD A. GRENKO,  
An Attorney Admitted to Practice Before the Courts  
of the State of New Mexico

Disciplinary Nos. 10-82-18 and 12-83-37

### FORMAL REPRIMAND

This matter arose out of your admitted failure to  
maintain accurate records or, for that matter, any  
records whatsoever of clients' money which was  
entrusted to you for safekeeping and for disburse-  
ment on their behalf.

This deplorable state of affairs persisted for well over  
a year and resulted in considerable inconvenience to  
both your clients and their creditors. A check issued  
by you in satisfaction of a judgment against one of  
your clients was returned because of insufficient

funds in your trust account, brought about by an  
error which could have been prevented if records had  
been kept by you. It is noted that you ultimately  
did forward a second check to satisfy your client's  
debt and personally paid all of the charges incurred  
as a result of the dishonoring of your first check.

In two other instances you delayed paying debts of  
clients until well past the time when such debts  
should have been paid, although you eventually  
forwarded the funds to the appropriate parties before  
any damage was done to the clients on whose behalf  
the money was to have been paid.

It is also apparent from your bank records that  
numerous checks written against your trust account  
were dishonored for want of a few dollars. This  
situation evidently occurred because of your failure  
to reconcile your account each month and to deposit  
therein funds to cover service charges which were  
assessed against the account.

Your actions constitute clear violations of Disciplinary  
Rules 9-102 (B) (3) and 9-102 (B) (4), which require

an attorney to maintain complete records of all client funds in his possession and to promptly pay on behalf of client funds which the client is entitled to have paid. Your disregard of these obligations also raises serious questions about your fitness to practice law in violation of Disciplinary Rule 1-102 (A) (6).

Were there any hint that this situation was brought about by a design or intent to defraud your clients out of funds or had any of your clients been harmed by your nonchalant handling of their money, the sanctions would be considerably more severe. It is evident, however, that your difficulties are the result of some deficiency in your approach to book-keeping responsibilities, which the Board believes can be rectified with appropriate guidance.

For these reasons, the Board has accepted the recommendation of disciplinary counsel and the Hearing Committee that you be formally reprimanded and placed on probation for a period of one year beginning August 1, 1984. During this period you are to meet on a monthly basis with your supervisor to review your trust account statements and reconcile them with the client ledger sheets you will be maintaining. With the advice of your supervisor, you will institute proper recordkeeping procedures regarding all client funds in your possession. Any deficiencies in your account balance or client fund records will be reported immediately by your supervisor, and the matter may be referred directly to the Supreme Court as a violation of your probation for whatever action the Court deems appropriate.

As an additional condition of your probation, you will attend an approved seminar on law office management procedures and give proof of attendance to disciplinary counsel no later than July 31, 1985.

Costs in the amount of \$15.00 are hereby assessed against you and should be paid to the Disciplinary Board office on or before August 17, 1984.

s/ John E. Conway, Chairman of the Disciplinary Board

## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW MEXICO

### BANKRUPTCY ATTORNEYS

Section 302 of the "Bankruptcy Amendments and Federal Judgeship Act of 1984" amends Section 342 of Title 11, United States Code to add the following new requirements: "Prior to the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give written notice to such individual that indicates each chapter of this title under which such individual may proceed." The Court has determined that this may properly be accomplished by counsel at the time a new bankruptcy petition is filed in the Clerk's Office.

Subsequently, effective October 8, 1984, attorneys will be required to file with the Court a NOTICE TO INDIVIDUAL CONSUMER DEBTOR(S) at the time a bankruptcy petition is filed. Copies of these notices, which are pre-signed by the Clerk of Court, are presently available for your use from the Clerk's Office. Reproduction of the signed notice is authorized. Should you desire to obtain a copy of the notice please phone the Bankruptcy Clerk's Office in Albuquerque at 766-2051 or write: Leticia M. Keith, Deputy Clerk, Office of the Clerk, United States Bankruptcy Court, District of New Mexico, P. O. Box 546, Albuquerque, New Mexico 87103.

# BULLETIN

ADVANCE OPINIONS OF  
THE SUPREME COURT &  
THE COURT OF APPEALS

*From The New Mexico Supreme Court*

JOSE E. JIMENEZ,  
Petitioner-Appellee,

versus

DEPARTMENT OF CORRECTIONS, et al.,  
Respondents-Appellants.

No. 14884 (filed September 18, 1984)

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY  
PETRA JIMENEZ MAES, District Judge